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January 8, 2016

The Honorable Charles R. Breyer
United States District Court
For the Northern District of California
450 Golden Gate Avenue, Department 6
San Francisco, California 9410-3486

Stephen G. Larson
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Re: ***In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Product Liability Litigation***, MDL No. 2672 – Application for Co-Lead Counsel Position by Stephen G. Larson

To the Honorable Charles R. Breyer:

I am counsel in *Mitsuda v. Volkswagen Group of America*, 2:15-cv07375-DOC-(SPx) and respectfully submit this application for appointment for a position (entitled co-lead or liaison) of responsibility for the coordination and interaction of this MDL with state, federal, and international regulatory and prosecutorial agencies, as well as all consumer state court actions. My qualifications for this position include serving as both a United States Magistrate Judge and a United States District Court Judge for the Central District of California, during which time I also served by designation on the Ninth Circuit Court of Appeals on seven occasions. Prior to my service on the bench, I served as Chief of the Los Angeles Organized Crime Strike Force as an Assistant United States Attorney for the Central District of California. Since my return to the private practice of law in 2009, I have worked at both a plaintiffs firm (Girardi Keese) and, for the past four years, at the national law firm of Arent Fox LLP, where I have been the chair of the national litigation practice and a member of the firm's Executive Committee. Collectively, those positions have provided me with the background and experience to:

- Organize and prosecute large, complex, international civil fraud schemes that involve coordination of diverse private and government civil action;
- Manage and oversee a large group of diverse legal talent working on complex cases; and
- Effectively and cooperatively work with United States and foreign government regulators and prosecutorial agencies to achieve shared prosecution goals.

Overall resolution of this case will require (1) unprecedented high-level and effective cooperation and coordination between the over 500 civil actions in this MDL and the thousands of individual cases likely to be filed in state court, and (2) investigation and, most likely, prosecution by multiple state and federal regulatory agencies, including civil and criminal investigations being conducted by the United States Department of Justice (including the recent filing of a civil lawsuit by the Civil Division of the Department of Justice), 50 state attorneys-general, and foreign government agencies. My background as more fully set forth in my biography attached as Exhibit A, demonstrates my ability and experience to facilitate this cooperation and coordination for the benefit of all participants.

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Experience as an Assistant United States Attorney for the Central District of California

In the first phase of my career, I was appointed in 1991 by Attorney General Richard Thornburgh to serve as an Assistant United States Attorney for the Central District of California. In my nine years in the criminal division of that office, I tried 24 criminal trials and prosecuted or defended 49 appeals before the Ninth Circuit. I was appointed Chief of the Los Angeles Organized Crime Strike Force, receiving from Attorney General Janet Reno the Department of Justice's Director's Award for Superior Performance as an Assistant United States Attorney. During this time, I worked extensively with agents and officials from numerous state and federal civil and law enforcement agencies. I have also conducted training on money laundering, asset forfeiture, fraud, and US banking regulations at various law enforcement academies including the FBI National Academy in Quantico, Virginia. Through this experience, I have developed relationships in the governmental sector that continue to this day and have gained invaluable insight into the unique manner in which these public agencies operate.

Experience as a Federal Judge in the Central District of California

In the second phase of my career, it was my humble honor to spend from 2000-2009 serving as a federal jurist – first as a United States Magistrate Judge following my appointment in 2000, and then as a United States District Judge following my nomination in 2005. As a federal judge for nearly a decade, I adjudicated over a thousand cases including a number of high-profile cases. Those included *United States v. Nazario*, a landmark Military Extraterritoriality Jurisdiction Act case involving U.S. Marines accused of manslaughter during the Battle of Fallujah in Iraq, and *United States v. Duro*, involving the U.S. Bureau of Indian Affairs' decade long effort to close down and expel a major migrant worker camp on the Torres Martinez Indian Reservation in the Coachella Valley. I also negotiated, approved, and supervised the consent decree entered into by the County of San Bernardino in *John Doe v. County of San Bernardino*, which resulted in systematic reform of educational and therapeutic services for disabled youths within the county juvenile hall system. I was involved in a number of high profile and complex civil trials including the determination of the ownership of the copyrights to the iconic comic strip *Superman* in *Siegel v. Warner Bros. Entertainment, Inc.* and the three-month trial in *Mattel, Inc. v. MGA Entertainment, et. al.* While serving on the federal bench, I also sat by designation on the United States Court of Appeals for the Ninth Circuit, participating in approximately 40 decisions.

Experience Representing Clients in Complex Litigation

In the most recent phase of my career, I re-entered private practice six years ago, first as a lawyer with the law firm of Girardi Keese and, since 2011, as partner and chair of the Complex Litigation department at Arent Fox LLP, a 400-attorney firm with offices in Los Angeles, New York, San Francisco, and Washington D.C. In this position, I have overseen approximately 100 lawyers in civil and criminal complex litigation involving numerous domestic and international corporations, state and local government officials, regulatory matters, complex business disputes, compliance, and sanctions issues. I have also been engaged by both public and private institutions to oversee internal reviews, conduct internal investigations, and arbitrate and mediate disputes. I was also responsible for opening and managing the San Francisco, California office of Arent Fox.

During this phase, I have had important roles in several MDL cases and numerous other complex cases. These cases include *In Re: Fresh and Process Potatoes Antitrust Litigation*, 4:10-md-

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02186-BLW-CWD (D. Idaho) presided over by the Honorable B. Lynn Winmill; *O'Bannon, Jr. v. National Collegiate Athletic Association*, Case No. 4:09-cv-03329-CW (N.D. Cal.) presided over by the Honorable Claudia Wilken; *In re Optical Disk Drive Products Antitrust Litigation*, Case No. 3:10-md-2143 RS (N.D. Cal.) presided over by the Honorable Richard Seeborg; and *In Re TFT-LCD (Flat Panel) Antitrust Litigation*, Case No. 3:07-MD-1827 SI (N.D. Cal.), presided over by the Honorable Susan Illston.

International Experience

I also have significant international experience. As Chief of the Los Angeles Organized Crime Strike Force, a significant part of my work involved cooperatively working with foreign law enforcement agencies conducting joint training exercises and investigations in Russia, Kazakhstan, Estonia, Latvia, Poland, the Ukraine, and South Korea. In addition, I was a founding member of the U.S. Department of State's Public-Private Partnership for Justice Reform in Afghanistan, conducting training for Afghan judges, prosecutors, and defense lawyers in the United States and Afghanistan. Further, as a federal judge I was involved in efforts to review and monitor judicial/legal reform and anti-corruption programs in Uzbekistan, Croatia, and Rwanda.

My Role in the Subject Litigation

Since becoming involved in this action I have been actively preparing the case. Along with co-counsel in our case, we retained emissions experts at Automotive Testing and Development Services, Inc. ("ADDT") to vehicle conduct testing. One of the reasons the VW fraud was not uncovered sooner was that laboratory testing does not reveal the software cheat device. That testing requires a portable PEMS unit for dynamic testing. ADDT is one of the few private emissions laboratory that has a PEMS unit. At significant expense, we commissioned laboratory and dynamic testing on a 2013 VW Passat TDI. Going forward, confirmatory testing is going to be important to determine the residual effect on emissions, horsepower, and MPG of any VW proposed remedial action. Working with ADDT will provide a significant resource to this MDL.

Leadership in the subject case will require the ability to provide significant time and attention from the counsel appointed to the leadership positions. I am not presently involved in any existing MDL. Therefore, if appointed, I will be able to devote all the necessary time and resources toward the goal of bringing this litigation to a speedy and fair resolution.

My application for this position is supported by a diverse group of firms (of record in cases that have been transferred into this MDL proceeding). Attached to this application as Exhibit B is the list of firms.

I thank the Court for its consideration of this application and, of course, would be pleased to respond to any questions the Court may have concerning the foregoing.

Sincerely,



Stephen G. Larson